



Journal of the Senate

State of Indiana

114th General Assembly

First Regular Session

Twenty-ninth Meeting Day

Thursday Afternoon

March 10, 2005

The Senate convened at 1:35 p.m., with the President of the Senate, Rebecca S. Skillman, in the Chair.

Prayer was offered by Pastor Lavern Tyson, New Beginnings Ministries, Indianapolis, the guest of Senator Billie J. Breaux.

The Pledge of Allegiance to the Flag was led by Senator Breaux.

The Chair ordered the roll of the Senate to be called. Those present were:

Alting	Long
Antich-Carr	Lubbers
Bowser	Lutz
Bray	Meeks
Breaux	Merritt
Broden	Miller
Clark	Mishler
Craycraft	Mrvan
Dillon	Nugent
Drozda	Paul
Ford	Riegsecker
Gard	Rogers
Garton	Server <input type="checkbox"/>
Harrison	Simpson
Heinold	Sipes
Hershman	Skinner
Howard	Smith
Hume	Steele
Jackman	Waltz
Kenley	Waterman
Kruse	Weatherwax
Lanane	Wyss
Landske	Young, M.
Lawson	Young, R.
Lewis	Zakas <input type="checkbox"/>

Roll Call 286: present 48; excused 2. [Note: A ☐ indicates those who were excused.] The Chair announced a quorum present. Pursuant to Senate Rule 5(d), no motion having been heard, the Journal of the previous day was considered read.

REPORTS FROM COMMITTEES

COMMITTEE REPORT

Madam President: The Senate Committee on Education and Career Development, to which was referred Engrossed House Bill 1288, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be amended as follows:

Page 20, line 39, after "impact" insert "**analysis**".

Page 20, line 42, after "impact" insert "**analysis**".

Page 21, line 4, after "fiscal" insert "**impact**".

Page 21, line 7, delete "and".

Page 48, line 24, after "administer the" insert "**technology plan grant**".

Page 68, line 9, after "improve" insert "**the**".

Page 152, line 11, after "board" delete ",".

Page 152, line 22, delete "propose" and insert "**proposes**".

Page 162, line 14, delete "constitute" and insert "**constitutes**".

Page 179, line 3, delete "to".

Page 180, line 6, delete "plan," and insert "**plan;**".

Page 194, line 12, delete "consist" and insert "**consists**".

Page 205, line 2, delete "applies." and insert "**apply.**".

Page 205, line 10, delete "at-large." and insert "**at large.**".

Page 209, line 19, after "(2)" insert "**the**".

Page 218, line 20, delete "or" and insert "**or,**".

Page 218, line 31, delete "concerning the:" and insert "**concerning:**".

Page 218, line 32, after "(A)" insert "**the**".

Page 218, line 33, after "(B)" insert "**the**".

Page 218, line 34, after "(C)" insert "**the**".

Page 218, line 35, after "(D)" insert "**the**".

Page 219, line 15, delete "of:" and insert "**of the:**".

Page 219, line 37, after "insuring" insert "**of**".

Page 219, line 39, delete "executing" and insert "**execution of**".

Page 219, line 40, after "borrowing" insert "**of**".

Page 219, line 41, delete "paying" and insert "**payment of**".

Page 221, line 1, after "as" insert "**limiting**".

Page 224, line 5, after "'annexing,'" insert "**or**".

Page 231, line 10, delete "pupils" and insert "**students**".

Page 260, line 12, delete "remodel" and insert "**remodel,**".

Page 277, line 23, after "property" delete "on" and insert "**in**".

Page 292, line 31, delete "IC IC" and insert "**IC**".

Page 292, line 32, delete "IC IC" and insert "**IC**".

Page 292, line 33, delete "IC IC" and insert "**IC**".

Page 315, line 42, delete "such" and insert "**the**".

Page 324, line 29, delete "devise" and insert "**devise,**".

Page 324, line 31, delete "devisor." and insert "**testator.**".

Page 326, line 42, delete "congress" and insert "**Congress**".

Page 327, line 25, delete "town;" and insert "**town believe;**".

Page 327, line 26, delete "township;" and insert "**township believe;**".

Page 327, line 27, delete "believes".

Page 339, line 2, delete "per cent" and insert "**percent**".

Page 339, line 9, delete "is" and insert "**are**".

Page 348, line 27, after "or" delete "is".

Page 348, line 28, after "(B)" insert "**is**".

Page 351, line 12, delete "age" and insert "**age,**".

Page 352, line 14, delete "This" and insert "**The**".

Page 354, line 14, delete "by" and insert "**by:**".

Page 354, delete line 15.

Page 354, line 16, after "(1)" insert **"the"**.
 Page 363, line 12, after "the" insert **"state"**.
 Page 366, line 10, delete "Court" and insert **"court"**.
 Page 366, line 32, delete "includes" and insert **"include"**.
 Page 367, line 26, delete "serve" and insert **"serves"**.
 Page 374, line 16, delete "2" and insert **"7"**.
 Page 376, line 11, delete "(9)".
 Page 376, line 16, after "by the" insert **"state"**.
 Page 377, line 11, after "students. The" insert **"state"**.
 Page 377, line 41, delete "pupil" and insert **"student"**.
 Page 380, line 17, delete "nine (9)." and insert **"nine."**.
 Page 384, line 24, after "members of the" insert **"state"**.
 Page 385, line 20, delete "norm".
 Page 385, line 21, delete "and criterion referenced".
 Page 386, line 38, delete "has" and insert **"have"**.
 Page 388, line 31, after "an" insert **"academic"**.
 Page 388, line 42, after "a" insert **"freeway"**.
 Page 389, line 10, after "a" insert **"freeway"**.
 Page 389, line 14, after "the" insert **"freeway"**.
 Page 389, line 18, after "the" insert **"freeway"**.
 Page 389, line 22, after "the" insert **"freeway"**.
 Page 395, line 3, delete "lease" and insert **"lease,"**.
 Page 413, line 2, after "by the" insert **"school bus"**.
 Page 431, line 1, delete "(4)" and insert **"(4.0)"**.
 Page 456, line 17, delete "21 through 22" and insert **"22 through 23"**.
 Page 457, line 34, after "chapter." insert **"A subpoena issued under this section shall be:**
 (1) served by the party who seeks to compel the attendance of a witness; and
 (2) upon application to the court by the party, enforced in the manner provided by law for the service and enforcement of subpoenas in a civil action.".
 Page 457, line 40, delete "A".
 Page 457, delete lines 41 through 42.
 Page 458, delete lines 1 through 4.
 Page 515, line 15, delete "college" and insert **"college/technology"**.
 Page 574, line 8, delete "IC IC" and insert **"IC"**.
 Page 574, line 37, delete "less" and insert **"fewer"**.
 Page 574, line 41, delete "three (3) or more" and insert **"at least three (3)"**.
 Page 580, line 18, delete "19" and insert **"18"**.
 Page 583, line 34, delete "and" and insert **"or"**.
 Page 585, line 5, delete "they".
 Page 585, line 6, delete "are performing their" and insert **"the inspector or agent performs official"**.
 Page 589, line 24, delete "workbooks and consumable textbooks," and insert **"workbooks, consumable textbooks,"**.
 Page 600, line 19, delete "a" and insert **"the"**.
 Page 607, line 26, after "need" insert **"of"**.
 Page 609, line 12, delete "expulsion or separation" and insert **"expulsion, separation,"**.
 Page 610, line 2, delete "or;" and insert **"or"**.
 Page 613, line 9, delete "16" and insert **"12"**.
 Page 613, line 27, delete "16" and insert **"14"**.

Page 613, line 28, delete "16" and insert **"14"**.
 Page 621, line 40, delete "A student" and insert **"Students"**.
 Page 627, line 3, delete "and " and insert **"or"**.
 Page 627, line 19, delete "and" and insert **"or"**.
 Page 632, line 11, delete "for".
 Page 652, line 40, delete "2."Domain"" and insert **"2. Domain"**.
 Page 653, line 6, delete "3."High" and insert **"3. High"**.
 Page 657, line 13, delete "established" and insert **"established"**.
 Page 675, line 23, delete "term "governor,"" and insert **"term governor","**.
 Page 709, line 17, delete "postretirement" and insert **"post-retirement"**.
 Page 735, delete line 25.
 Page 803, line 38, after "person of" strike "his" and insert **"the person's"**.
 Page 803, line 38, after "counsel of" strike "his" and insert **"the person's"**.
 Page 803, line 38, after "choice at" strike "his" and insert **"the person's"**.
 Page 806, line 27, delete "4-13-2-20" and insert **"4-13-2-20, AS AMENDED BY HEA 1003-2005, SECTION 16,"**.
 Page 807, line 12, delete "department of commerce" and insert **"Indiana economic development corporation"**.
 Page 827, line 32, delete ""educational entity"" and insert **""educational entity""**.
 Page 827, line 38, delete ""market value"" and insert **""market value""**.
 Page 834, line 9, strike "for" and insert **"from"**.
 Page 842, line 3, strike "him" and insert **"the teacher"**.
 Page 856, line 3, after "20-21-2-1" delete "." and insert **";"**.
 Page 873, line 11, after "20-18-2-9)" delete ";" and insert **","**.
 Page 908, line 29, after "services" delete ";" and insert **","**.
 Page 932, line 36, after "and" strike "IC".
 Page 937, line 1, after "IC 20-26-10-5," delete "C" and insert **"IC"**.
 (Reference is to HB 1288 as printed February 4, 2005.)
 and when so amended that said bill do pass.
 Committee Vote: Yeas 8, Nays 0.

LUBBERS, Chair

Report adopted.

COMMITTEE REPORT

Madam President: The Senate Committee on Education and Career Development, to which was referred Engrossed House Bill 1314, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be amended as follows:

Page 3, between lines 8 and 9, begin a new paragraph and insert:
"SECTION 5. IC 20-10.1-15-10.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005] Sec. 10.5. If a student enrolls in a course offered by an eligible institution under the program, the institution and the student's school corporation shall enter into a contract for dual credit. The contract must establish the terms and conditions under which:

(1) the institution will award credit for specified classes successfully completed by students in the school corporation; and

(2) the school corporation will award credit for specified classes successfully completed by students at the institution.

SECTION 6. IC 20-10.1-15-15.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 15.5. (a) Each eligible institution shall make and maintain, for each student enrolled in the program, records of the following:

(1) The courses in which the student enrolls and the credit hours awarded for those courses.

(2) The courses that the student successfully completes and the courses that the student fails to complete.

(3) The postsecondary credit granted to the student.

(4) Other information requested by the commission for higher education.

(b) The commission for higher education is entitled to have access to the records made and maintained under subsection (a).

SECTION 7. IC 20-10.1-15-17 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 17. (a) The department of education, in consultation with the commission for higher education, shall:

(1) establish guidelines to carry out this chapter; and

(2) evaluate the program annually and report to the Indiana state board of education concerning the program. and

~~(3) adopt procedures for the award of grants from the postsecondary enrollment program fund established under section 16 of this chapter.~~

(b) The guidelines established under subsection (a)(1) must encourage participation by students at all achievement levels and in a variety of academic and vocational subjects.

SECTION 8. IC 20-10.1-15-18 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 18. The state board of education and the commission for higher education shall jointly adopt rules under IC 4-22-2 necessary to carry out this chapter.

SECTION 9. IC 20-30-11-4, AS ADDED BY HEA 1288-2005, SECTION 14, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 4. (a) The postsecondary enrollment program is established for secondary school students in grades 11 and 12.

(b) A student may upon approval of the student's school corporation, enroll in courses offered by an eligible institution under the program on a full-time or part-time basis during grade 11 or grade 12, or both.

(c) If a school corporation has approved a course offered by an eligible institution for secondary credit, a student is entitled to credit toward graduation requirements for each course the student successfully completes at the eligible institution.

SECTION 10. IC 20-30-11-7, AS ADDED BY HEA 1288-2005, SECTION 14, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 7. ~~(a)~~ A representative of the school corporation shall meet with each student who intends to participate in the program and discuss the following:

~~(1) The student's eligibility to participate in the program.~~

~~(2) (1) The courses in which the student is authorized to enroll.~~

~~(3) (2) The postsecondary credit the student earns upon successful completion of a course.~~

~~(4) (3) The consequences of a student's failure to successfully complete a course.~~

~~(5) (4) The student's schedule.~~

~~(6) (5) The financial obligations of the student and the school under the program.~~

~~(7) (6) The responsibilities of the student, the student's parent, and the school under the program.~~

~~(8) (7) Other matters concerning the program.~~

(b) The representative of the school corporation shall make a recommendation to the principal concerning the student's participation in the program:

(c) Based on the recommendation received under subsection (b), the principal shall determine:

(1) the student's eligibility to participate in the program; and

(2) the courses approved for secondary credit.

(d) The principal shall notify the student and the superintendent, in writing, of the determination under subsection (c). If the principal determines that:

(1) the student is not eligible to participate in the program; or

(2) a course in which the student intends to enroll is not approved for secondary credit;

the principal must state, in writing, the reasons for that determination.

SECTION 11. IC 20-30-11-8, AS ADDED BY HEA 1288-2005, SECTION 14, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 8. The governing body of each school corporation shall:

(1) adopt policies to implement the program, based on guidelines established by the department; and

(2) work with eligible institutions to grant secondary credits to a student who attends a postsecondary institution while the student is also attending secondary school.

SECTION 12. IC 20-30-11-10, AS ADDED BY HEA 1288-2005, SECTION 14, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 10. (a) A student who is approved for participation in the program may apply for enrollment to an eligible institution. The eligible institution shall accept or reject the student based on the standards ordinarily used to decide student enrollments. However, a student who is approved for participation in the program by the student's school corporation may not be refused admission solely because the student has not graduated from a secondary school.

(b) The eligible institution shall promptly inform the:

(1) student;

(2) student's principal; and

(3) department;

of the decision under subsection (a).

(c) Upon demonstration of financial need, an eligible institution may grant financial assistance to a student accepted for admission to the eligible institution.

SECTION 13. IC 20-30-11-10.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS

[EFFECTIVE JULY 1, 2005] **Sec. 10.5. If a student enrolls in a course offered by an eligible institution under the program, the institution and the student's school corporation shall enter into a contract for dual credit. The contract must establish the terms and conditions under which:**

- (1) the institution will award credit for specified classes successfully completed by students in the school corporation; and**
- (2) the school corporation will award credit for specified classes successfully completed by students at the institution.**

SECTION 14. IC 20-30-11-15.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005] **Sec. 15.5. (a) Each eligible institution shall make and maintain, for each student enrolled in the program, records of the following:**

- (1) The courses in which the student enrolls and the credit hours awarded for those courses.**
- (2) The courses that the student successfully completes and the courses that the student fails to complete.**
- (3) The postsecondary credit granted to the student.**
- (4) Other information requested by the commission for higher education.**

(b) The commission for higher education is entitled to have access to the records made and maintained under subsection (a).

SECTION 15. IC 20-30-11-17, AS ADDED BY HEA 1288-2005, SECTION 14, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: **Sec. 17. (a) The department, in consultation with the commission for higher education, shall:**

- (1) establish guidelines to carry out this chapter; and**
- (2) evaluate the program annually and report to the state board concerning the program. ~~and~~**
- ~~(3) adopt procedures for the award of grants from the postsecondary enrollment program fund established by section 16 of this chapter.~~**

(b) The guidelines established under subsection (a)(1) must encourage participation by students at all achievement levels and in a variety of academic and vocational subjects.

SECTION 16. IC 20-30-11-18, AS ADDED BY HEA 1288-2005, SECTION 14, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: **Sec. 18. The state board and the commission for higher education shall adopt rules under IC 4-22-2 to carry out this chapter."**

Page 3, line 9, delete "IC 20-10.1-15-9 IS" and insert "THE FOLLOWING ARE".

Page 3, line 10, delete "." and insert ": IC 20-10.1-15-9; IC 20-10.1-15-16; IC 20-12-17-3; IC 20-30-11-9; IC 20-30-11-16."

Renumber all SECTIONS consecutively.

(Reference is to HB 1314 as printed February 15, 2005.) and when so amended that said bill do pass.

Committee Vote: Yeas 9, Nays 0.

LUBBERS, Chair

Report adopted.

COMMITTEE REPORT

Madam President: The Senate Committee on Governmental Affairs and Interstate Cooperation, to which was referred Senate Bill 1052, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be amended as follows:

Page 2, line 17, after "IC 5-14-6." insert "**The state lottery commission created under IC 4-30-3-1 shall pay the full costs of the audit required under this SECTION."**

(Reference is to HB1052 as reprinted February 8, 2005.)

and when so amended that said bill be reassigned to the Senate Committee on Appropriations.

Committee Vote: Yeas 9, Nays 1.

RIEGSECKER, Chair

Report adopted.

COMMITTEE REPORT

Madam President: The Senate Committee on Governmental Affairs and Interstate Cooperation, to which was referred Engrossed House Bill 1540, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill do pass.

Committee Vote: Yeas 9, Nays 0.

RIEGSECKER, Chair

Report adopted.

COMMITTEE REPORT

Madam President: The Senate Committee on Judiciary, to which was referred Engrossed House Bill 1262, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be amended as follows:

Page 6, line 34, delete "debtor:" and insert "**debtor or the debtor's spouse:"**".

Page 7, line 18, delete "aggregate contributions in excess of five thousand" and insert "**the excess over five thousand dollars (\$5,000) of aggregate contributions"**.

Page 7, line 19, delete "dollars (\$5,000)".

Page 7, line 32, delete "earning" and insert "**earnings"**.

Page 7, line 38, delete "aggregate contributions in excess of five thousand" and insert "**the excess over five thousand dollars (\$5,000) of aggregate contributions"**.

Page 7, line 39, delete "dollars (\$5,000)".

Page 8, line 4, delete "aggregate".

Page 8, between lines 4 and 5, begin a new line block indented and insert:

"(10) The debtor's interest in a refund or a credit received or to be received under section 32 of the Internal Revenue Code of 1986."

(Reference is to HB 1262 as printed January 20, 2005.)

and when so amended that said bill do pass.

Committee Vote: Yeas 10, Nays 0.

BRAY, Chair

Report adopted.

COMMITTEE REPORT

Madam President: The Senate Committee on Judiciary, to which was referred Engrossed House Bill 1398, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill do pass.

Committee Vote: Yeas 10, Nays 0.

BRAY, Chair

Report adopted.

RESOLUTIONS ON FIRST READING

Senate Resolution 8

Senate Resolution 8, introduced by Senator Landske:

A SENATE RESOLUTION to recognize the Hanover Central Senior High School Softball Team for winning the 2004 IHSAA Class 2A State Championship.

Whereas, The Hanover Central Senior High School Softball Team was the round-robin champion for the Porter County Conference and the Porter County Tourney Champion;

Whereas, 2004 marked the Hanover Central Senior High School Softball Team's second consecutive trip to the final game;

Whereas, Hanover Central defeated Clarksville with a final score of 1-0, to win the State Championship Title;

Whereas, While all the members of the team worked extraordinarily hard to achieve this goal, Junior Amanda Wendlinger played an integral role in the championship win by pitching only the second perfect game in State Finals history;

Whereas, The Hanover Central Senior High School Softball team finished their championship season with an outstanding 25-7 record: Therefore,

Be it resolved by the Senate of the General Assembly of the State of Indiana:

SECTION 1. That the Indiana Senate congratulates the Hanover Central Senior High School Softball Team for their outstanding season and IHSAA Class 2A State Championship.

SECTION 2. The Secretary of the Senate is hereby directed to transmit a copy of this Resolution to Principal Joseph Fetty, Athletic Director Dave Seils, Coach Larry McMillen, and the members of the championship team.

The resolution was read in full and adopted by voice vote.

Senate Concurrent Resolution 21

Senate Concurrent Resolution 21, introduced by Senator Landske:

A CONCURRENT RESOLUTION to honor Donald E. Bales, Jr. as Midwest Regional Athletic Director of the Year.

Whereas, Donald E. Bales, Jr. has served as athletic director for Lowell High School for over 23 years;

Whereas, During his tenure, Mr. Bales has made a significant impact on the lives of the students he has worked with at Lowell High School. Through his actions and involvement, he has demonstrated and encouraged leadership, work ethic, time management and service;

Whereas, Mr. Bales has proven himself to be an exceptional leader in his community as well, helping to implement many new athletic programs for children of all ages. In addition, he started the Letterman's Club, which provides service to the Tri-Creek Community and helps to fund scholarships;

Whereas, Mr. Bales has contributed to the field of athletic administration on the local, state and national level as a member of the Indiana Interscholastic Athletic Administrators Association, the Indiana Baseball Coaches Association, the Indiana Basketball Coaches Association and the National Association for Sport and Physical Education/American Alliance for Health, Physical Education, Recreation and Dance; and

Whereas, In recognition of his many contributions to the field of athletics, Donald E. Bales, Jr. was named the Midwest Regional Athletic Director of the Year by the National Association for Sport and Physical Education: Therefore,

Be it resolved by the Senate of the General Assembly of the State of Indiana, the House of Representatives concurring:

SECTION 1. That the Indiana General Assembly recognizes the outstanding service and accomplishments of Donald E. Bales, Jr. and congratulates him on being named the Midwest Regional Athletic Director of the Year.

SECTION 2. The Secretary of the Senate is hereby directed to transmit a copy of this Resolution to Donald E. Bales, Jr., Barb Spencer, Principal of Lowell High School and Dr. Alice Neal, Superintendent of Tri-Creek School Corporation.

The resolution was read in full and adopted by voice vote. The Chair instructed the Secretary to inform the House of the passage of the resolution. House sponsor: Representative Lehe.

SENATE MOTION

Madam President: I move that Senator Heinold be added as coauthor of Senate Resolution 8.

LANDSKE

Motion prevailed.

SENATE MOTION

Madam President: I move we adjourn until 1:30 p.m., Monday, March 14, 2005.

GARTON

Motion prevailed.

March 10, 2005

Senate 551

The Senate adjourned at 1:50 p.m.

MARY C. MENDEL
Secretary of the Senate

REBECCA S. SKILLMAN
President of the Senate